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EXAMINER

KHAN, MEHMOOD B

ART UNIT

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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/088,879

Applicant(s)

CLARK ET AL.

Examiner

Mehmood B. Khan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 20 recites the limitation "the first media server" in line 1 through line 2. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim states that content is delivered from the first media server to the second media server. If the content is available on the first media server, then why direct the delivery of content via the second media server. The claim does not explain why the delivery is performed indirectly.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1, 2-4, 7, 8, 12, 13-15, 27, 28-30, 33, 34, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slezak (WO 97/12486) in view of Herz (US 6,029,195) and in view of Charles et al. (US 5,790,842).

Regarding claim 1, Slezak discloses a system for providing integrated on-demand access to media content through a television, comprising: a plurality of interface means for reproducing media content on a plurality of televisions [see Figure 1, item 504].

Slezak does not disclose the authentication. However, Charles et al. discloses that each such interface means including an authentication means for authenticating an individual subscriber or group of subscribers to the system [see Figure 1, item 80, Col 11, lines 4-15]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include authentication as taught by Charles et al. in order to allow the system to limit access to content and the desire to collect revenue for the service.

Slezak discloses at least one database server for storing, accessing and maintaining an subscriber database [see Figure 1, items 520, 522 and 542, Page 11, line 35 through Page 12, line 1]; a plurality of media server means for storage and provision of a plurality of items of media content each item of media content being identified by a unique location- independent name [see Figure 1, items 520a, 520b and 524]; a plurality of meta-data server means for storage and provision of meta-data concerning the items of media content [see Figure 1, item 522, Page 9, lines 13-16]; a plurality of mapping server means for mapping a location of the plurality of items of media content on the plurality of media servers means according to their location- independent names [see Page 9, line 39 through Page 10, line 9]; a plurality of interface server means [see Figure 1, items 540 and 542].

Slezak does not disclose the personalization of a user interface. However Herz discloses the comprising personalisation [sic] means for individual customisation [sic] of a user interface based on information stored in the subscriber database and meta-data from the plurality of meta-data server means [see Abstract]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include personalization of a user interface as taught by Herz in order to provide user with access to items of interest and relevance [see Col 4, lines 35-42].

Slezak discloses the location lookup means for discovering from the plurality of mapping server means at least one media server which holds a copy of an item of media content identified by a location-independent name [see Page 9, lines 29-37 and Page 10, lines 1-9]; a network connecting at least the plurality of interface means, the at least one database server, the plurality of media server means, the plurality of meta-data server means, the plurality of mapping server means and the plurality of interface server means [see Figure 1, item 530].

Regarding claim 2, the system of claim 1, wherein the meta-data server means, mapping server means and interface server means are each software subsystems which reside on the same or different server computers in any combination. It is well known in the art, that it is inherent for software to exist on hardware and software controls the hardware to operate and perform functions.

Regarding claim 3, Slezak does not disclose authentication. However, Charles et al. disclose that the authentication means comprises means for insertion of a data-carrying card and means for reading authentication information from said card [see Figure 1, item 80, Col 11, lines 4-15 and lines 33-40]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include authentication as taught by Charles et al. in order to allow the system to limit access to content and the desire to collect revenue for the service.

Regarding claim 4, Slezak discloses the subscriber database includes profile information about each subscriber [see Page 11, line 35 through Page 12, line 1].

Slezak does not include personalization. However, Herz discloses the personalization [sic] means includes a matching means for generating a list of recommended content for each subscriber [see Abstract]. Accordingly, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify Slezak to include personalization of a user interface as taught by Herz in order to provide user with access to items of interest and relevance [see Col 4, lines 35-42].

Slezak discloses making use of the meta- data about the content from the plurality of meta-data server means, together with the profile information for each subscriber from the integrated subscriber database [see Page 9, lines 17-21].

Regarding claim 7, Slezak discloses that the media content comprises at least one of video programming, audio programming, textual information, graphical images, software and other data capable of being processed by computer [see Figure 1, items 520a and 524, Page 9, lines 3-9, see Figure 2, items 24, 26 and 28, Page 11, lines 15-19].

Regarding claim 8, Slezak discloses the user interface comprises an output means for generation of at least one of textual display, graphical display, video playback and audio playback [see Page 9, lines 33-36 and Page 15, lines 9-15], and an input means for recognition at least one of: button presses on a remote control; movement of a device controlling an on-screen pointer and activation of the pointer at a position; and voice commands [see Page 15, lines 15-19].

Regarding claim 12, wherein the system is scalable. It is well known in the art that systems employing the Internet for distribution are inherently scalable with respect to user's geographic location.

Regarding claim 13, Slezak discloses a method for providing on-demand access to an interactive media service through a television, comprising: selecting by the subscriber of an item of media content from the personalized user interface; requesting from the interactive media service the item of media content by a location- independent name; discovering an at least one media server holding a copy of the item of media content out of a plurality of

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possible media servers using the location-independent name; delivering the item of media content from a media server to the subscriber [see Page 9, line 29 through Page 10, line 14].

Slezak does not disclose the authentication. However, Charles et al. disclose authenticating a subscriber to the service [see Figure 1, item 80, Col 11, lines 4-15].

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include authentication as taught by Charles et al. in order to allow the system to limit access to content and the desire to collect revenue for the service.

Slezak does not disclose the personalization of a user interface. However Herz discloses generating a personalized user interface for the subscriber, comprising looking up a subscriber profile in a subscriber database, looking up meta-data about a plurality of items of media content in a distributed meta-data database, matching the subscriber profile to the meta-data, and selecting an at least one item of media content predicted to be of interest to the subscriber for inclusion in the personalized user interface [see Abstract]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include personalization of a user interface as taught by Herz in order to provide user with access to items of interest and relevance [see Col 4, lines 35-42].

Regarding claim 14, Slezak does not disclose authentication. However, Charles et al. disclose the authenticating comprises inserting of a data-carrying card into an interface unit and reading authentication data from the card. [see Figure 1, item 80, Col 11, lines 4-15 and lines 33-40]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include authentication as taught by Charles et al. in order to allow the system to limit access to content and the desire to collect revenue for the service.

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Regarding claim 15, wherein generating the personalized user interface is performed at least in part as a background process in advance of a subscriber request. It is well known in the art, that software processes, which generate any user interface, are run in the background.

Regarding claim 27, Slezak discloses a system for providing integrated on-demand access to media content through a television, comprising: a plurality of interfaces [see Figure 1, item 504].

Slezak does not disclose the authentication. However, Charles et al. discloses that each such interface comprising a means for authenticating an individual subscriber or group of subscribers to the system [see Figure 1, item 80, Col 11, lines 4-15]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include authentication as taught by Charles et al. in order to allow the system to limit access to content and the desire to collect revenue for the service.

Slezak discloses at least one database server for storing, accessing and maintaining an subscriber database [see Figure 1, items 520, 522 and 542, Page 11, line 35 through Page 12, line 1]; a plurality of media servers wherein each such media server is adapted to store and provide a plurality of items of media content, each item of media content being identified by a unique location-independent name [see Figure 1, items 520a, 520b and 524]; a plurality of meta-data servers wherein each said meta-data server is adapted to store and provide meta-data concerning the items of media content [see Figure 1, item 522, Page 9, lines 13-16]; a plurality of mapping servers wherein each said mapping server is adapted to a location of the plurality of items of media content on the plurality of media servers means according to their location-independent names [see Page 9, line 39 through Page 10, line 9]; a plurality of interface servers [see Figure 1, items 540 and 542]

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Slezak does not disclose the personalization of a user interface. However Herz discloses that each said interface server comprising personalisation [sic] means for individual customisation [sic] of a user interface based on information stored in the subscriber database and meta-data from the plurality of meta-data servers [see Abstract]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include personalization of a user interface as taught by Herz in order to provide user with access to items of interest and relevance [see Col 4, lines 35-42].

Slezak discloses location lookup means for discovering from the plurality of mapping servers at least one media server which holds a copy of an item of media content identified by a location- independent name [see Page 9, lines 29-37 and Page 10, lines 1-9]; a network connecting at least the plurality of interfaces, the at least one database server, the plurality of media servers, the plurality of meta-data servers, the plurality of mapping servers and the plurality of interface servers [see Figure 1, item 530].

Regarding claim 28, the system of claim 27, wherein the meta-data servers the mapping servers and the interface servers are each software subsystems which reside on the same or different server computers in any combination. It is well known in the art, that it is inherent for software to exist on hardware and software controls the hardware to operate and perform functions.

Regarding claim 29, Slezak does not disclose authentication. However, Charles et al. disclose the authentication means comprises means for insertion of a data-carrying card and means for reading authentication information from said card [see Figure 1, item 80, Col 11, lines 4-15 and lines 33-40]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include authentication as

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taught by Charles et al. in order to allow the system to limit access to content and the desire to collect revenue for the service.

Regarding claim 30, Slezak discloses the subscriber database includes profile information about each subscriber [see Page 11, line 35 through Page 12, line 1].

Slezak does not include personalization. However, Herz discloses that the personalisation [sic] means includes a matching means for generating a list of recommended content for each subscriber [see Abstract]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include personalization of a user interface as taught by Herz in order to provide user with access to items of interest and relevance [see Col 4, lines 35-42].

Slezak discloses making use of the meta- data about the content from the plurality of meta-data server means, together with the profile information for each subscriber from the integrated subscriber database [see Page 9, lines 17-21].

Regarding claim 33, Slezak discloses that the media content comprises at least one of video programming, audio programming, textual information, graphical images, software and other data capable of being processed by computer [see Figure 1, items 520a and 524, Page 9, lines 3-9, see Figure 2, items 24, 26 and 28, Page 11, lines 15-19].

Regarding claim 34, Slezak discloses the user interface comprises an output which generates at least one of textual display, graphical display [see Page 9, lines 33-36 and Page 15, lines 9-15], video playback and audio playback, and an input which recognizes at least one of: button presses on a remote control; movement of a device controlling an on-screen pointer and activation of the pointer at a position; and voice commands [see Page 15, lines 15-19].

Regarding claim 38, wherein the system is scalable. It is well known in the art that systems employing the Internet for distribution are inherently scalable with respect to user's geographic location.

6. Claims 1, 5, 6, 13, 16-20, 27, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slezak (WO 97/12486) in view of Herz (US 6,029,195) and in view of Charles et al. (US 5,790,842) and further in view of Lumelsky et al. (US 6,516,350).

Regarding claim 5, Slezak does not disclose content maps. However, Lumelsky et al. disclose that each of the mapping server means obtains content maps from a local subset of the media server means, and floods content advertisements throughout the network to the other mapping server means [see (US 6,529,950) Figure 2, items 50 and 51, Figure 1, item 70, Col 6, lines 5-7 and lines 24-26 and Col 5, lines 59-61]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include content maps as taught by Lumelsky et al. in order to provide for content exploration across independent organizational repositories [see (US 6,529,950) Col 1, lines 35-42].

Regarding claim 6, Slezak does not disclose hierarchical groupings. However, Lumelsky et al. disclose that the network is organised [sic] hierarchically, and content advertisements are aggregated in hierarchical groupings [see Figures 1 and 2, Col 6, lines 58-66]. Accordingly, it would have been obvious to one of ordinary skill in the art at that hierarchy exists in lists and groupings.

Regarding claim 16, Slezak discloses sending a request to a first mapping server to look up an at least one media server holding a copy of the item of media content in a map held by the first mapping server; if known at the first mapping server [see Page 9, lines 33-36].

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Slezak does not disclose providing the address of a server. However, Lumelsky et al. disclose, responding to the request directly with the address of the at least one media server holding a copy of the item of media content [see (US 6,529,950) Col 6, lines 18-20 and lines 25-26]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include providing the address of the server as taught by Lumelsky et al. in order to provide for content exploration across independent organizational repositories [see Col 1, lines 35-42].

Slezak does not disclose requesting to a second server. However, Lumelsky et al. disclose that if not known at the first mapping server, delegating the request to a second mapping server [see Figures 2 and 3, Col 8, lines 29-32 and lines 41-47]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include requesting to a second server as taught by Lumelsky et al. in order to provide for sharing and spooling of resources that is beneficial and seamless to users [see Col 1, lines 15-21].

Regarding claim 17, Slezak does not disclose delivery via a second server. However, Lumelsky et al. disclose indirecting the delivery via a second media server before forwarding to the subscriber [see Figure 3, Col 8, lines 48-53]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include delivery via a second server as taught by Lumelsky et al. in order to provide for sharing and spooling of resources that is beneficial and seamless to users [see Col 1, lines 15-21].

Regarding claim 18, Slezak does not disclose delivery to the second server at a faster rate. However, Lumelsky et al. disclose performing the indirect delivery to the second media server at a faster rate than the forwarding to the subscriber [see Col 8, lines 53-56].

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include delivery via a second server as taught by Lumelsky et al. in order to provide for sharing and spooling of resources that is beneficial and seamless to users [see Col 1, lines 15-21].

Regarding claim 19, Slezak does not disclose keeping and advertising. However, Lumelsky et al. disclose keeping the item of media content at the second media server [see Col 9, lines 34-36] and advertising the item of media content at the second media server for subsequent use by the same subscriber or other subscribers [see (US 6,529,950) Col 2, lines 46-48]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include keeping and advertising as taught by Lumelsky et al. in order to provide for content exploration across independent organizational repositories [see Col 1, lines 35-42].

Regarding claim 20, Slezak does not disclose a complete copy. However, Lumelsky et al. disclose maintaining the delivery from the first media server to the second media server even if the subscriber chooses to cancel the delivery, so as to ensure a complete copy of the item of media content at the second media server for subsequent use [see Figures 2 and 3, Col 8, lines 48-53, and see (US 6,529,950) Col 2, 46-48]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include keeping and advertising as taught by Lumelsky et al. in order to provide for content exploration across independent organizational repositories [see Col 1, lines 35-42].

Regarding claim 31, Slezak does not disclose content maps. However, Lumelsky et al. disclose that each of the mapping servers obtains content maps from a local subset of the media servers and floods content advertisements throughout the network to the other mapping servers [see (US 6,529,950) Figure 2, items 50 and 51, Figure 1, item 70, Col 6, lines

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5-7 and lines 24-26 and Col 5, lines 59-61]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include content maps as taught by Lumelsky et al. in order to provide for content exploration across independent organizational repositories [see (US 6,529,950) Col 1, lines 35-42].

Regarding claim 32, Slezak does not disclose hierarchical groupings. However, Lumelsky et al. disclose that the network is organised [sic] hierarchically, and content advertisements are aggregated in hierarchical groupings [see Figures 1 and 2, Col 6, lines 58-66]. Accordingly, it would have been obvious to one of ordinary skill in the art at that hierarchy exists in lists and groupings.

7. Claims 1, 9-11, 27, 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slezak (WO 97/12486) in view of Herz (US 6,029,195) and in view of Charles et al. (US 5,790,842) and further in view of Knee et al. (US 5,589,892).

Regarding claim 9, Slezak does not disclose distinct screens. However, Knee et al. disclose the user interface further comprises a plurality of substantially distinct screens which can be navigated by the subscriber with the input means [see Figures 3, 4 and 5-35]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include distinct screens as taught by Knee et al. in order to provide user with access to greater information and more interactivity.

Regarding claim 10, Slezak does not disclose distinct screens. However, Knee et al. discloses that the distinct screens include at least one of: genre browsing means for browsing the plurality of items media content according to a genre classification [see Figure 19]; bookmark browsing means for browsing the plurality of items of media content which have been the subject of a previous subscriber request to bookmark them; portfolio browsing

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means for browsing the plurality of items of media content according to authorship, appearance or other involvement of an individual or group with the creation of the media content. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include distinct screens as taught by Knee et al. in order to provide user with greater variety of options and a more flexible interface.

Regarding claim 11, Slezak does not disclose further information. However, Knee et al. disclose the meta-data includes a location-independent name, and further information including at least one of: authorship, appearance or other involvement of an individual or group with the creation of the media content: classification of the media content according to genre; profiling of the media content according to qualities including violence, adult content-comedy; pricing information applicable to the media content; dates of publication and regional release dates of the media content: links to other media associated with the media content, including subtitles, Web-sites, soundtracks, or books, natural language identification for the media content; or statutory rating information for the media content [see Figure 21]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include further information as taught by Knee et al. in order to provide the user with more comprehensive information.

Regarding claim 35, Slezak does not disclose distinct screens. However, Knee et al. disclose the user interface further comprises a plurality of substantially distinct screens which can be navigated by the subscriber with the input [see Figures 3, 4 and 5-35]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include distinct screens as taught by Knee et al. in order to provide user with access to greater information and more interactivity.

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Regarding claim 36, Slezak does not disclose distinct screens. However, Knee et al. disclose the distinct screens include at least one of: genre browsing means for browsing the plurality of items media content according to a genre classification [see Figure 19]; bookmark browsing means for browsing the plurality of items of media content which have been the subject of a previous subscriber request to bookmark them; portfolio browsing means for browsing the plurality of items of media content according to authorship, appearance or other involvement of an individual or group with the creation of the media content. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include distinct screens as taught by Knee et al. in order to provide user with greater variety of options and a more flexible interface.

Regarding claim 37, Slezak does not disclose further information. However, Knee et al. disclose 37. The system of claim 27, wherein the meta-data includes a location-independent name, and further information including at least one of" authorship, appearance or other involvement of an individual or group with the creation of the media content; classification of the media content according to genre; profiling of the media content according to qualities including violence, adult content or comedy; pricing information applicable to the media content; dates of publication and regional release dates of the media content; links to other media associated with the media content, including subtitles, Websites, soundtracks, or books, natural language identification for the media content; or statutory rating information for the media content [see Figure 21]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include further information as taught by Knee et al. in order to provide the user with more comprehensive information.

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8. Claims 13, 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slezak (WO 97/12486) in view of Herz (US 6,029,195) and in view of Charles et al. (US 5,790,842) and further in view of Walker et al. (US 2002/0068823).

Regarding claim 21, Slezak does not disclose a record of delivery. However, Walker et al. disclose entering a record of the delivery in a transaction database [see Figures 2 and 7]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include record of delivery as taught by Walker et al. in order to provide a system for maintaining inventory and proper billing.

Regarding claim 22, Slezak does not disclose merchant accounts. However, Walker et al. disclose comprising accounting for the record of delivery in an accounting system [see Figure 7] comprising a plurality of subscriber accounts and an at least one merchant account [see Figure 2, items 300 and 800]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include merchant accounts as taught by Walker et al. in order to provide a system for maintaining multiple merchant accounts and services.

Regarding claim 23, Slezak does not disclose plurality of charges. However, Walker et al. discloses that accounting comprises adding a plurality of charges to be credited to a plurality of merchant accounts to form an aggregate cost to be debited from a subscriber's account [see Figure 6]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include plurality of charges as taught by Walker et al. in order to provide a system for maintaining multiple services and charging the customers accordingly.

Regarding claim 24, Slezak does not disclose a subsidy. However, Walker et al. disclose that accounting further comprises subtracting an at least one subsidy from the

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aggregate cost, and debiting an at least one corresponding merchant account [see Figure 2, item 900 and Figure 9]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include a subsidy as taught by Walker et al. in order to provide users a greater interactivity and benefits for use of service.

Regarding claim 25, Slezak does not disclose charges according to time of day. However, Walker et al. disclose accounting further comprises adjusting the charges according to the time of the day or day of the week [see Figure 7]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include charges according to time of day as taught by Walker et al. in order to provide accurate charging and crediting to the customer.

Regarding claim 26, Slezak does not disclose modifying subscriber profile. However, Walker et al. disclose modifying the subscriber's profile in the subscriber database as a result of the record of delivery [see Figure 2, item 300, Paragraph [0054]]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slezak to include modifying subscriber profile as taught by Walker et al. in order to provide users a greater purchasing history and system usage.

Thus the invention is obvious over Slezak in view of each of Charles et al., Herz, Lumelsky et al., Knee et al. and Walker et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehmood B. Khan whose telephone number is 571-272-9277. The examiner can normally be reached on Monday - Friday 7:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker can be reached on 571-272-0911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Mehmood B. Khan
Examiner
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